

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT BERG,
Plaintiff

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vs.

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Case No. 6:19-cv-418-JDK

M&F WESTERN PRODUCTS, INC.,
Defendant.

**DECLARATION OF P. EDDINS IN SUPPORT OF DEFENDANT'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

I, Paul Eddins, declare as follows:

1. I submit this Declaration in support of M&F Western's Motion for Partial Summary Judgment regarding Plaintiff's claims of copyright infringement pertaining to Copyright Registration No. VA 1-159-548 ("the Buckle Registration"). If called as a witness, I could and would testify competently to the matters set forth in this Declaration.
2. I am currently employed by M&F Western Products, Inc. in the position of Chief Financial Officer in Sulphur Springs, Texas. I have worked at M&F Western since 1993 with various duties, including accounting, finance, human resources and managing other business matters. In my position at M&F Western, and as part of my duties at M&F Western throughout the years, I have become intimately familiar with M&F Western's business and the Western wear industry, including Western-style jewelry and belt buckles. I am also knowledgeable regarding M&F Western's acquisitions of other businesses through the years.
3. In 2007, M&F Western acquired Crumrine Manufacturing Jewelers, Inc. as well as the intellectual property in its designs through an Asset Purchase Agreement. A true and correct copy of that agreement is attached as Exhibit A to the Declaration of Jeanne Crumrine

LaShelle submitted in support of M&F Western's motion. While the details of the agreement are confidential, the fact that Crumrine Manufacturing Jewelers sold its business and intellectual property rights to M&F Western is not confidential. At the time of the acquisition, M&F Western created a separate entity, the Crumrine Buckle Company, Inc., which was a wholly owned subsidiary of M&F Western. Crumrine Buckle Company acquired the assets from Crumrine Manufacturing Jewelers jointly with M&F Western.

4. M&F Western subsequently dissolved the Crumrine Buckle Company entity, however, M&F Western continues to use "Crumrine Buckle Company" as a trade name and continues to own the assets transferred under the Asset Purchase Agreement to M&F Western and Crumrine Buckle Company.
5. Among other designs acquired pursuant to the Asset Purchase Agreement, M&F Western acquired the rights in a 1995 buckle design incorporating five tapered beads along the four compass points as shown below:



I declare that the foregoing is true and correct under penalty of perjury under the laws of the United States.

Signed on this 10th day of JUNE 2020, at Sulphur Springs TEXAS.

By: _____

Paul Eddins

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2020, the foregoing was filed with the Court's electronic filing system, which served a copy on all counsel of record.



Kirstin E. Larson